

## **Remarks**

This Reply is in response to the Office Action mailed March 23, 2007.

### **I. Summary of Examiner's Rejections**

Prior to the Office Action mailed March 23, 2007, Claims 1-30 were pending in the Application. In the Office Action, Claims 1-4, 6-9, 11-14, 16-19, 21-24, and 26-29 were noted for reciting the phrase "for" in the body of the claims. The Specification is noted for incorporation of essential material by reference to a publication as improper. Claims 1, 2, 5, 6, 7, 10, 11, 12, 15, 17, 20, 22, 25, 27, and 30 are objected for use of acronyms. Claims 1-5 and 16-20 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasmusson et al. (Canadian Patent Application No.: CA 2,323,689 A1, hereafter Rasmusson).

### **II. Summary of Applicant's Amendment**

The present Response amends Claims 1-30, and adds Claims 31-34 leaving for the Examiner's present consideration Claims 1-34.

### **III. Claim Objections**

In the Office Action, Claims 1-4, 6-9, 11-14, 16-19, 21-24, and 26-29 were noted for reciting the phrase "for" in the body of the claims. Claims 1, 2, 5, 6, 7, 10, 11, 12, 15, 17, 20, 22, 25, 27, and 30 are objected for use of acronyms. Claims 1-5 and 16-20 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Accordingly Claims 1-30 are amended. Applicant respectfully requests reconsideration of Claims 1-30.

### **IV. Specification**

In the Office Action, the Specification is noted for incorporation of essential material by reference to a publication as improper. The present response amends the specification to remove the words "incorporated by reference." Applicant respectfully requests reconsideration of the Specification.

### **V. Claim Rejections under 35 U.S.C. §102(b)**

In the Office Action mailed March 23, 2007, Claims 1-30 are rejected under 35 U.S.C.

102(b) as being anticipated by Rasmusson.

#### Claim 1

Claim 1 has also been amended to more clearly define the embodiment therein. Claim 1 defines:

1. *(Amended) A system to migrate a software application from one application server to a different application server, comprising:  
a first application server that includes an application deployed thereon; and,  
a preprocessor server component on the first application server used to interrogate the functionality of the deployed application, the applications' deployment information and any dependencies included therein, generate a new configuration information and communicate the new configuration information to a second application server that is used in deploying the application at the second application server.*

Claim 1, as currently amended, defines a system to migrate a software application from one application server to a different application server, comprising a first application server that includes an application deployed thereon, and a preprocessor server component on the first application server to interrogate the functionality of the deployed application, the applications' deployment information and any dependencies included therein. The preprocessor then generates a new configuration information and communicates the new configuration information to a second application server that is used in deploying the application at the second application server.

Rasmusson, on the other hand, discloses a computer implemented method for abstracting away differences among two or more distributed object oriented structure (DOOS) servers, a DOOS having a home interface, a remote interface and an implementation class. The DOOS servers support a number of common services and the method comprises implementing business logic and DOOS server abstraction layers. In other words, the output, the EJB server abstraction layer 134, is the abstraction of the input, namely one of the EJB servers 138, 140 or 142. As a result, any client using the output, the EJB server abstraction layer 134, would not care what the input 138, 140 or 142 actually was. The client can use the output, the EJB server abstraction layer 134, in the same manner, regardless of whether the input to the system 144 was EJB server 138, EJB server 140 or EJB server 142 (Page 10, Lines 15-29). The EJB server abstraction layer 134 has

mechanisms 160-163 for allowing the business logic 136 to communicate with a specific EJB server without consideration of which EJB server is being used (Page 12, lines 6-9 and Fig 6). Instead of instantiating the EJB server reference in the business logic 136 it is possible to store this information in a properties file 230, as show in the block diagram of FIG 10. The deployment.properties file 230, acts as the single repository for attributes describing properties to be used by the business logic 136 (Page 19, Lines 15- 22).

Applicant respectfully submits that from the above, Rasmusson appears to be teaching an abstraction layer that operates outside any EJB server. However in the embodiment of the invention as defined by claim 1, as currently amended, the first application server includes an application deployed thereon, and a preprocessor server component on the first application server to interrogate the functionality of the deployed application, applications' deployment information and any dependencies included therein

Further from above, Rasmusson appears to suggest that the abstraction layer helps to facilitate easier migration of the EJB application from one EJB server to another. However, this abstraction layer is not migrating an application from one application server to another server by reading deployment properties related to one server and generating a configuration information suitable to the second application server, but rather is hiding the differences in the application server via the abstraction layer and enabling the user to *deploy the same application with the same configuration* on a different server. However in the embodiment of the invention as defined by claim 1, as currently amended, a preprocessor server component on the first application server interrogates the functionality of the deployed application, the applications' deployment information and any dependencies included therein, and then *generates a new configuration information* and communicates the new configuration information to a second application server that is used in deploying the application at the second application server.

Furthermore from above, Rasmusson does not appear to teach interrogation of the functionality of the deployed application at runtime. However in the embodiment of the invention as defined by claim 1, as currently amended, a preprocessor server component on the first application server interrogates the functionality of the deployed application, the applications' deployment information and any dependencies included therein.

Furthermore from above, Rasmusson does not appear to teach the interrogation of a server specific deployed application deployment properties file in order to generate a new configuration for a second application server, but rather teaches using an abstraction layer specific deployment file

and reading properties from it. However in the embodiment of the invention as defined by claim 1, as currently amended, a preprocessor server component on the first application server interrogates the functionality of the deployed application, the applications' deployment information and any dependencies included therein, and then generates a new configuration information and communicates the new configuration information to a second application server that is used in deploying the application at the second application server.

In view of the above comments, Applicant respectfully submits that Claim 1, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **Claims 6, 11, 16, 21 and 26**

The comments provided above with respect to Claim 1 are hereby incorporated by reference. Claims 6, 11, 16, 21 and 26 have been similarly amended to more clearly define the embodiments therein. For similar reasons as provided above with respect to Claim 1, Applicant respectfully submits that Claims 6, 11, 16, 21 and 26, as amended, are likewise neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **Claims 2-5, 7-10, 12-15, 17-20, 22- 25, 27-30**

Claims 2-5, 7-10, 12-15, 17-20, 22- 25, 27-30 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above. Applicant respectfully submits that Claims 2-5, 7-10, 12-15, 17-20, 22- 25, 27-30 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **VI. Additional Amendments**

##### **Claims 31-34**

Claims 31-34 have been newly added by the present Response. Applicant respectfully requests that new Claims 31-34 be included in the Application and considered therewith.

#### **VII. Conclusion**

In view of the above amendments and remarks, it is respectfully submitted that all of the

claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136 for extending the time to respond up to and including July 17, 2007.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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